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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,506	12/22/2000	Linus Wiebe	3782-0183PUS	9785

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
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2629

NOTIFICATION DATE	DELIVERY MODE
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12/21/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

09/746,506

Applicant(s)

WIEBE ET AL.

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 31-40, 50 and 53-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 31-40, 50, 53-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the newly introduced limitation of independent claims 1,12,31,37,50,53: "the position coding pattern codes an area of unique, continuous positions in two dimensions and said area is incapable of being encoded in its entirety by the position coding pattern on any single base" and new claims 58-63: "the position coding pattern codes a second area of unique, continuous positions and said second area is incapable of being encoded in its entirety by the position coding pattern on any single base" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Notice, that Figure 5 discloses hierarchical N-dimensional image domain address space subregions 210-212 are not continuous and each two-dimensional page 213 has a particular size and continuous in two dimensions (paragraph 0167).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The newly introduced limitation of independent claims 1,12,31,37,50,53: "the position coding pattern codes an area of unique, continuous positions in two dimensions and said area is incapable of being encoded in its entirety by the position coding pattern on any single base" and new claims 58-63: "the position coding pattern codes a second area of unique, continuous positions and said second area is incapable of being encoded in its entirety by the position coding pattern on any single base" are not described in the Specification.

Notice, that Figure 5 discloses hierarchical N-dimensional image domain address space subregions 210-212 are not continuous and each two-dimensional page 213 has a particular size and continuous in two dimensions (paragraph 0167).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-21,31-40,50,53-64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention:

The newly introduced limitation of independent claims 1,12,31,37,50,53: "the position coding pattern codes an area of unique, continuous positions in two dimensions and said area is incapable of being encoded in its entirety by the position coding pattern on any single base" and new claims 58-63: "the position coding pattern codes a second area of unique, continuous positions and said second area is incapable of being encoded in its entirety by the position coding pattern on any single base" are not described in the Specification or shown in Figures.

Notice, that Figure 5 discloses hierarchical N-dimensional image domain address space subregions 210-212 are not continuous and each two-dimensional page 213 has a particular size and continuous in two dimensions (paragraph 0167).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-21,31-40,50,53-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear how hierarchical organization (Figure 5, items 210-212) could be interpreted as continuous and each two-dimensional page 213 has a particular size (paragraph 0167)?

Notice, that Figure 5 discloses hierarchical N-dimensional image domain address space subregions 210-212 are not continuous and each two-dimensional page 213 has a particular size and continuous in two dimensions (paragraph 0167).

Due to new matter situation and indefinite subject matter rejection on merits is not provided.

Notice, that rejection on merits was presented in final rejection on 08/15/06 and it is on record.

Response to Arguments

5. Applicant's arguments filed 10/29/07 have been fully considered but they are not persuasive:

On page 12 in Preliminary Comments, Applicant's stated that Applicants filed their previous reply with a Request for Review by Supervisory Examiner in accordance with

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MPEP §707.02. However, Applicants have received no indication that this application and the outstanding rejections have been reviewed by a Supervisor in accordance with Applicants' properly filed Request. Applicants respectfully request the Examiner's Supervisor properly review the instant application in accordance with Applicants' previously filed Request prior to the Examiner's formal consideration of the issues presented herein on the merits. Further, Applicants are filing concurrently herewith a Request for Interview. Applicants respectfully request the Examiner contact the undersigned to schedule and conduct a personal interview with his Supervisor prior to the Examiner's formal consideration of the issues presented herein on the merits. However, Supervisory Examiner reviewed and signed this Non-Final Rejection.

On page 13, 1st full paragraph of Remarks, Applicant's stated that Applicant respectfully submits that this statement does not address Applicants arguments and further, again, confuses the terms as they appear in the claim. First, the Examiner's statement that the subregions 210-212 are not continuous is incorrect. As disclosed in paragraphs [0154] and [0167], the subregions 210-212 are, in fact, continuous. Second, the element the Examiner is objecting to, i.e., as recited in claim 1, is "the position coding pattern codes an area of unique, continuous positions in two dimensions and said area is incapable of being encoded in its entirety by the position coding pattern on any single base." This recitation clearly refers to continuous positions.

However, the hierarchical layout of main region is described in greater detail in reference to fig. 5 (paragraph 0130), it is clear that that only by introducing the hierarchical N-dimensional image domain address space subregions 210-212, area will

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be incapable of being encoded in its entirety by the position coding pattern on any single base, because each page (fig. 5, item 213) is particular size and continuous (paragraph 0167), but subregions (210-212) are not continuous.

Notice, that nowhere in paragraphs 0154 and 0167 disclosed that the subregions 210-212 are continuous.

Notice also that independent claims limitation referrers to an area in two dimensions and said area is incapable of being encoded in its entirety by the position coding pattern on any single base, as to the same area which is not.

Telephone Inquire


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LS
12.12.07


MICHAEL J. HARRIS
SENIOR PATENT EXAMINER
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